

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Globalstar, Inc. Petition for Notice of Inquiry	)	RM-11808
Regarding the Operation of Outdoor	)	
U-NII-1 Devices in the 5 GHz Band	)	

**NCTA – THE INTERNET & TELEVISION ASSOCIATION  
REPLIES TO COMMENTS ON PETITION FOR NOTICE OF INQUIRY**

The oppositions and other comments filed in response to Globalstar’s Petition confirm that the Commission should not waste Commission resources and undermine regulatory certainty by issuing a notice of inquiry (NOI) to address Globalstar’s unsupported claims. Numerous, diverse commenters have joined NCTA in opposing Globalstar’s Petition. These commenters demonstrated that the Petition lacks merit because Globalstar has not experienced harmful interference and relies on measurement data and technical analysis that are deeply flawed. Comments supporting Globalstar’s request for NOI, conversely, do little more than repeat Globalstar’s assertions, and fall into one of two categories: (1) form letters submitted by Globalstar customers, which provide no new data or other information to the Commission and therefore no independent reasons why the Commission should take up the Petition; and (2) opportunistic comments from satellite companies operating in other spectrum bands that appear intended to leverage Globalstar’s request for an inquiry into the U-NII-1 rules as a proxy for addressing their concerns about terrestrial sharing in entirely different spectrum bands.

**Opposition to Globalstar’s Petition**

Commenters representing a broad cross-section of the broadband economy oppose Globalstar’s Petition. Cisco states that Globalstar “has failed to bring forth credible data

showing that its satellite system faces harmful interference, or that the Commission’s assumptions about the use of the band and protection mechanisms were incorrect,” and the Commission should accordingly “decline to use its limited resources” to take up Globalstar’s Petition.<sup>1</sup> Wi-Fi Alliance, representing hundreds of manufacturers and service providers, agrees that “Globalstar has presented no evidence that there is any relationship between [the Commission’s 2014 U-NII-1] rules and the changes to the radiofrequency environment that it has allegedly observed.”<sup>2</sup> The Wireless Internet Service Providers Association (WISPA), representing hundreds of companies serving rural America, similarly observes that “the Petition appears to be based on flawed measurements and incorrect assumptions that distort Globalstar’s allegations of harmful interference.”<sup>3</sup>

WISPA and Cisco also substantiate NCTA’s observation that Globalstar’s inaccurate measurements fail to distinguish between noise occurring within the 5150-5250 MHz band where unlicensed devices operate and noise that could stem from adjacent operations at 5096-5150 MHz.<sup>4</sup> Cisco goes further, noting that Globalstar’s technical analysis accompanying the measurements fails to demonstrate that the purported noise increase (or even a larger one) would actually cause harmful interference to Globalstar’s operations.<sup>5</sup> WISPA questions whether Globalstar presents “sufficient reasons” for the Commission to initiate an inquiry, and Wi-Fi

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<sup>1</sup> Opposition of Cisco Systems, Inc., RM-11808, at 1 (filed July 6, 2018) (Cisco Opposition).

<sup>2</sup> Opposition of Wi-Fi Alliance, RM-11808, at 1-2 (filed July 6, 2018) (WFA Opposition).

<sup>3</sup> Comments of the Wireless Internet Service Providers Association, RM-11808, at 1 (filed July 6, 2018) (WISPA Comments).

<sup>4</sup> See WISPA Comments at 3; Cisco Opposition at 7-8.

<sup>5</sup> Cisco Opposition at 8.

Alliance and Cisco agree that it would be a waste of Commission resources and not in the public interest to proceed with an NOI at this time.<sup>6</sup>

**The Petition's Supporters Simply Echo Globalstar's Unreliable Assertions**

The filings supporting Globalstar in its request for an NOI are primarily form letters that show no evidence of individual analysis or data gathering. These “piggy-back” filings are repetitively, and almost uniformly, based on the same flawed measurement data and analysis submitted by Globalstar.<sup>7</sup> Some of these commenters appear to misunderstand the issue, with several Globalstar customers claiming that they are experiencing harmful interference today,<sup>8</sup> despite the fact that Globalstar itself studiously avoids claiming that it or any of its customers are experiencing harmful interference. These filings provide no substantive or persuasive

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<sup>6</sup> See Cisco Opposition at 2, 10; WFA Opposition at 9; WISPA Comments at 3, 7.

<sup>7</sup> See, e.g., Letter from Juan Pablo Londoño, General Manager, One Solution Position, to Marlene H. Dortch, Secretary, FCC, RM-11808 (filed July 6, 2018) (“OSP understands from its review of Globalstar’s recent Petition for Notice of Inquiry that an unlimited deployment of outdoor, high-power access points in the U-NII-1 band has resulted in a rapid noise rise in Globalstar’s feeder link spectrum over the past three years.”); Letter from Don Richardson, President, MIL-SAT LLC, to Marlene H. Dortch, Secretary, FCC, RM-11808 (filed July 6, 2018) (“It is understood from Globalstar’s Petition, that its licensed mobile satellite service (‘MSS’) operations and outdoor Unlicensed National Information Infrastructure (‘U-NII’) devices cannot successfully share the 5.1 GHz band.”); Letter from Mark Garver, CEO, GEOS Response, LLC, to Marlene H. Dortch, Secretary, FCC, RM-11808 at 1-2 (July 6, 2018) (GEOS Response Letter) (“[I]t seems clear from the Globalstar Petition that the rise in the noise floor is being caused by the outdoor, high-power operation of U-NII-1 Wi-Fi access points and other devices.”).

<sup>8</sup> See Letter from Andrew Santangelo, Chief Technology Officer, sci\_Zone, Inc., to Marlene H. Dortch, Secretary, FCC, RM-11808 (July 6, 2018) (“Our *Globalstar* network based equipment is experiencing harmful interference.”); GEOS Response Letter at 2 (“[W]e urgently request that the FCC take rapid action to address the harmful interference which Globalstar is experiencing . . .”).

information upon which the Commission can rely in evaluating whether Globalstar’s Petition merits further evaluation and should be disregarded.

Finally, two parties filed in what may be an effort to use Globalstar’s Petition to establish new FCC policies that would undermine the Commission’s ongoing work to enable terrestrial/satellite sharing in a wide range of other bands. The Satellite Industry Association (SIA), for example, argues that “[t]he issues raised by the Petition are not limited to the 5.1 GHz band, but have implications for several proceedings in which the Commission has permitted or is considering allowing widely-deployed terrestrial devices to use satellite uplink spectrum,” including the 6, 24, 28, 47, and 50 GHz bands.<sup>9</sup> Of course, the Commission already has open, docketed proceedings addressing these bands.<sup>10</sup> The Commission should reject SIA’s attempt to use an NOI addressing U-NII-1 rules to advocate for “a sound basis to develop policies that ensure protection of satellite uplink operations *in other bands*.”<sup>11</sup> Similarly, Sirius XM Radio, which has no operations in U-NII-1,<sup>12</sup> nevertheless urges the FCC to issue an NOI on this band, arguing that it could affect FCC decisions in *other bands*.<sup>13</sup> If the Commission begins a rulemaking by issuing an NOI as Globalstar requests—which NCTA opposes—some parties will clearly use this docket as another venue to air their concerns regarding terrestrial use of a whole

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<sup>9</sup> Comments of the Satellite Industry Association, RM-11808, at 1, 3 (filed July 6, 2018).

<sup>10</sup> See, e.g., *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Notice of Inquiry, 32 FCC Rcd 6373, GN Docket No. 17-183 (2017); *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services*, et al., Third Report and Order, Memorandum Opinion and Order, and Third Further Notice of Proposed Rulemaking, GN Docket No. 14-177 (rel. June 8, 2018); Ajit Pai, *Coming Home*, FCC Blog (July 11, 2018), <https://www.fcc.gov/news-events/blog/2018/07/11/coming-home>.

<sup>11</sup> *Id.* (emphasis added).

<sup>12</sup> Comments of Sirius XM Radio Inc., RM-11808, at 1 (filed July 6, 2018).

<sup>13</sup> *Id.* at 4.

host of other satellite bands that are best considered in other dockets. This would not be a productive use of Commission time or resources and could undermine the Commission's work to strike a balance between satellite and terrestrial users in the millimeter wave bands.

The Commission should reject Globalstar's Petition. Commenters opposing the request demonstrate Globalstar's failure to show the presence of harmful interference and that its measurement data and technical analysis are flawed. Conversely, parties supporting Globalstar either (1) provide no additional independent data or analysis that would support Globalstar's Petition, or (2) raise concerns solely with respect to other satellite spectrum bands that are best addressed in other dockets. The record therefore does not support issuing an NOI.

Respectfully submitted,

**/s/ Rick Chessen**

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July 23, 2018

## **CERTIFICATE OF SERVICE**

I, Sarah Speaks, hereby certify that on this 23rd day of July, 2018, I served one copy of the foregoing Replies to Comments on Petition for Notice of Inquiry by U.S. mail on the following parties:

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